

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Joan Kathryn Wenger,

Petitioner

v.

Frank Dreesen, et al.,

Respondents

Case No. 2:23-cv-01965-CDS-DJA

**Order Granting in Part and Denying in Part
Motion for Extension of Time
and Staying Case**

[ECF No. 10]

In this habeas corpus action, the petitioner, Joan Kathryn Wenger, who is represented by appointed counsel, was due to file an amended petition for writ of habeas corpus by April 16, 2024. On April 16, Wenger filed a motion for extension of time, requesting a 217-day extension, to November 19, 2024, for the amended petition. ECF No. 10. This deadline has not previously been extended. *See* ECF No. 9 (scheduling order).

Wenger's counsel explains that, by their calculation, the applicable limitations period for the amended petition will not expire until November 19, 2024, and that they wish to use the intervening time to meet with Wenger, obtain and review the state-court record and prior counsel's files, investigate the case, and hire any necessary experts. Wenger's counsel states that they request such a long extension of time so that they will not have to repeatedly seek extensions while they do that work in preparation for filing the amended petition. Wenger's counsel represents that the respondents do not oppose the motion for extension of time.

I find that Wenger's motion for extension of time is made in good faith and not solely for the purpose of delay, and that there is good cause to extend to November 19, 2024, the time for Wenger's amended petition. However, given that this means a seven-month period of inactivity, instead of simply extending the time for the amended petition, I will stay the case. The stay will be lifted after Wenger files an amended habeas petition, or after November 19, 2024, whichever is earlier. Either Wenger or the respondents may move at any time to lift the stay if they determine the stay has become inappropriate or unnecessary.

1 In ordering this stay, I do not intend to make any comment regarding, or affect in any
2 manner, the application of any statute of limitations in this case.

3 IT IS THEREFORE ORDERED that the petitioner's Motion to Extend the Time for
4 Filing an Amended § 2254 Petition [ECF No. 10] is GRANTED IN PART AND DENIED IN
5 PART.

6 IT IS FURTHER ORDERED that this action is STAYED. The Clerk of the Court is
7 directed to administratively close this case during the stay. The stay will be lifted after the
8 petitioner files an amended petition for writ of habeas corpus, or after November 19, 2024,
9 whichever is earlier.

10 IT IS FURTHER ORDERED that, pursuant to Federal Rule of Civil Procedure 25(d),
11 Frank Dreesen is substituted for William Reubart as the respondent warden. The Clerk of the
12 Court is directed to update the docket to reflect this change.

13 Dated: May 2, 2024

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16 Cristina D. Silva
17 United States District Judge
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